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May 17, 2024

Via ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Courtroom 2103
New York, NY 10007

Re: *Mullen Technologies, Inc. et al. v. Gem Global Yield LLC, et al.* (No. 1:23-cv-11268-KFP);
Plaintiffs' Letter Request to Lift Stay

Dear Judge Failla:

We represent Plaintiffs Mullen Technologies, Inc. ("MTI") and Mullen Automotive, Inc. ("MAI," and together with MTI, "Plaintiffs") in the above-referenced action (the "Action") and submit this letter to respectfully request that the Court lift the stay of the Action.

This Action was commenced on December 28, 2023 with the filing of the Complaint. *See* ECF No. 1. In lieu of answering or otherwise responding to the Complaint, on February 13, 2024, defendants GEM Global Yield LLC, GEM Yield Bahamas Limited (together with GEM Global Yield LLC, "GEM"), and Christopher F. Brown (collectively, "Defendants") filed a letter motion requesting a stay of the Action in favor of then-ongoing arbitration between GEM and Plaintiffs captioned *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.* (ICDR Case No. 01-21-0016-7001) (the "Arbitration"). ECF No. 26 ("Motion to Stay"). On March 21, 2024, the Court held a conference to address the issues raised in the Motion to Stay, as well as issues germane to both the Action and a related matter before this Court captioned *GEM Yield Bahamas Limited et al. v. Mullen Technologies, Inc. et al.*; No. 1:24-cv-1120 (the "Related Action"). *See* ECF No. 50.

On April 8, 2024, the Court issued an order which, *inter alia*, granted Defendants' Motion to Stay. ECF No. 51 (the "Order"). In the Order, the Court noted that its decision was based substantially on the reasons stated in the Motion to Stay and "to promote judicial economy and avoid confusion and possible inconsistent results between the Action and the ongoing arbitration." Order at 2-3. Those concerns have since been rendered moot with the issuance of the Final Award in the Arbitration on May 10, 2024. *See* Related Action, ECF No. 72. Because the Arbitration has now concluded, Plaintiffs respectfully request that the Court issue an order lifting the stay of the Action and setting a schedule for Defendants to answer, move to dismiss, or otherwise respond to the Complaint.

Judge Katherine Polk Failla
May 17, 2024

We thank the Court for its attention to this matter.

Dated: May 17, 2024

Respectfully submitted,

THE BASILE LAW FIRM P.C.

/s/ Waleed Amer

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